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Hearing Date: October 3, 2017 at 10 a.m.  
Objection Deadline: September 26, 2017 at 5 p.m.

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

IRVING H. PICARD, Trustee for the  
Liquidation of Bernard L. Madoff Investment  
Securities LLC,

Plaintiff,

v.

MILES Q. FITERMAN REVOCABLE TRUST;  
MILES Q. FITERMAN NON-EXEMPT  
MARITAL TRUST; TOWERS  
MANAGEMENT COMPANY LLC;  
FITERMAN GST EXEMPT MARITAL  
TRUST; MILES FITERMAN FAMILY  
TRUST; SHIRLEY FITERMAN, individually,  
and in her capacity as Trustee for the MILES Q.  
FITERMAN REVOCABLE TRUST and the  
MILES Q. FITERMAN NON-EXEMPT  
MARITAL TRUST; STEVEN FITERMAN,  
individually, and in his capacity as Trustee for

Adv. Pro. No. 10-04337 (SMB)

the MILES Q. FITERMAN REVOCABLE TRUST and the MILES Q. FITERMAN NONEXEMPT MARITAL TRUST; VALERIE HERSCHMAN, individually, and in her capacity as Trustee for the MILES Q. FITERMAN REVOCABLE TRUST and the MILES Q. FITERMAN NON-EXEMPT MARITAL TRUST; KAREN WASSERMAN; LYNN GUEZ; STEPHANIE ROSENTHAL; MILES Q. FITERMAN II; AND MATTHEW FITERMAN,

Defendants.

**NOTICE OF MOTION FOR ENTRY OF AN ORDER PURSUANT TO SECTION 105(a) OF THE BANKRUPTCY CODE AND RULES 2002 AND 9019 OF THE FEDERAL RULES OF BANKRUPTCY PROCEDURE APPROVING A SETTLEMENT AGREEMENT BY AND BETWEEN THE TRUSTEE AND THE DEFENDANTS**

**PLEASE TAKE NOTICE** that Irving H. Picard (the “Trustee”), as trustee for the substantively consolidated liquidation of Bernard L. Madoff Investment Securities LLC (“BLMIS”) and the chapter 7 estate of Bernard L. Madoff (“Madoff,” and together with BLMIS, collectively, the “Debtors”), by and through his undersigned counsel, will move before the Honorable Stuart M. Bernstein, United States Bankruptcy Judge, at the United States Bankruptcy Court, the Alexander Hamilton Customs House, One Bowling Green, Courtroom 723, New York, New York 10004, on **October 3, 2017 at 10 a.m.**, or as soon thereafter as counsel can be heard, for an order, pursuant to section 105(a) of the United States Bankruptcy Code, 11 U.S.C. §§ 101 *et seq.*, and Rules 2002 and 9019 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), approving a settlement agreement (the “Agreement”) by and among the Trustee and the Defendants as more particularly set forth in the motion annexed hereto (the “Motion”).<sup>1</sup>

**PLEASE TAKE FURTHER NOTICE** that responses or objections to the Motion, if any, must be in writing, shall conform to the Bankruptcy Rules and other applicable rules and

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<sup>1</sup> All defined terms not otherwise defined herein shall have the meaning ascribed in the Motion.

orders of this Court, and shall be filed in accordance with General Order M-399 and the electronic filing procedures for the United States Bankruptcy Court for the Southern District of New York (available at [www.nysb.uscourts.gov](http://www.nysb.uscourts.gov)), with a courtesy copy delivered to the Chambers of the Honorable Stuart M. Bernstein, and shall be served upon (a) Windels Marx Lane & Mittendorf, LLP, 156 West 56<sup>th</sup> Street, New York, NY 10019, Attn: Howard L. Simon, Esq.; (b) Irving H. Picard, Esq., c/o Baker & Hostetler LLP, 45 Rockefeller Plaza, New York, NY 10111; (c) Robins Kaplan LLP, 800 LaSalle Avenue, Suite 2800, Minneapolis, MN 55402, Attn: Thomas F. Berndt, Esq.; and (d) Jones & Schwartz P.C., One Old Country Road, Suite 384, Carle Place, NY 11514, Attn: Harold D. Jones, Esq., so as to be received no later than **September 26, 2017 at 5:00 p.m.** Any objections must specifically state the interest that the objecting party has in these proceedings and the specific basis of any objection to the Motion.

**PLEASE TAKE FURTHER NOTICE** that if no responses or objections are timely filed and served with respect to the Motion, the Motion shall be deemed uncontested and an order granting the requested relief may be entered with no further notice or opportunity to be heard offered to any party.

Dated: New York, New York  
August 29, 2017

By: /s/ Howard L. Simon  
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*Special Counsel for Irving H. Picard, Trustee for  
the Substantively Consolidated SIPA Liquidation of  
Bernard L. Madoff Investment Securities LLC and  
Bernard L. Madoff*